

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:15cr55

AYANNA N. JAMES,

Defendant.

IN RE: THIRD PARTY CLAIMS BY:

ALBERT JAMES

MONIFA CHARLES,

PATRICIA WILSON,

and

OCWEN LOAN SERVICING, LLC

ORDER

This matter comes before the court on four third-party petitions under 21 U.S.C. § 853(n), each asserting an interest in property ordered forfeited in the above-captioned criminal case. Albert L. James ("Mr. James") filed a petition asserting an ownership interest in the 2010 Audi Q7 (the "Audi"). James' Pet., ECF No. 16. Third-party petitions were also filed by Monifa Charles, Patricia Wilson, and Ocwen Loan Serving, LLC. ECF Nos. 17, 18, 22. The government withdrew its pursuit of forfeiture of the two assets at issue in those three petitions, but continued to pursue the Audi. ECF No. 32. This left the

petition by Mr. James as the only contested petition. The matter was referred to United States Magistrate Judge Douglas E. Miller by the Amended Referral Order of August 6, 2015, to conduct a hearing on Mr. James' claim to the Audi, and to submit proposed findings of fact, if applicable, and recommendations for the disposition of the petition. ECF No. 33.

On August 17, 2015, the government filed a Motion for Summary Judgment as to the Petition of Albert L. James. ECF No. 36. On August 20, 2015, an Amended Consent Order of Forfeiture was entered, superseding the original Consent Order of Forfeiture entered on May 15, 2015, and releasing the two assets that the government was no longer pursuing. ECF No. 39. Mr. James filed a response with the court on September 3, 2015, stating that he withdrew his petition and did not oppose the government's claim to the Audi. ECF No. 41.

Judge Miller conducted a hearing on September 14, 2015, at which Mr. James did not appear. Judge Miller subsequently filed his Report and Recommendation ("R&R") on September 15, 2015. ECF No. 43. Judge Miller recommended that the court enter a final order of forfeiture for the Audi identified in the Amended Consent Order of Forfeiture entered August 19, 2015. R&R at 2. By copy of the R&R, the parties were advised of their right to file written objections thereto. The court has received no

objections to the R&R, and the time for filing the same has expired.

Additionally, on September 21, 2015, the government filed a Notice of Publication and attached a Declaration of Publication, stating that the notice of forfeiture had been published for thirty (30) consecutive days, beginning June 12, 2015, and ending on July 11, 2015, as required by 21 U.S.C. § 853(n) and Federal Rule of Criminal Procedure 32.2(b)(6). ECF Nos. 44, 44-1. No additional petitions asserting a legal interest in the property ordered forfeited have been filed, and the time to do so has expired. See 21 U.S.C. § 853(n).

The court does hereby adopt and approve in full the findings and recommendations set forth in the R&R filed on September 15, 2015. Accordingly, the Petition of Albert James is **DENIED**. The government's Motion for Summary Judgment as to the Petition of Albert L. James is **MOOT**. The petitions of Monifa Charles, Patricia Wilson, and Ocwen Loan Serving, LLC are **MOOT**, since the government is no longer pursuing the assets at issue therein.

The United States is **DIRECTED** to file a proposed Final Order of Forfeiture, consistent with this Order and the R&R, within fourteen (14) days of the date of entry of this Order. The Clerk is **DIRECTED** to forward a copy of this Order to the

Petitioners, the United States Attorney at Norfolk, and counsel  
for the Defendant.

IT IS SO ORDERED.

/s/  
Rebecca Beach Smith  
Chief Judge

*RBS*

REBECCA BEACH SMITH  
CHIEF JUDGE

October 8, 2015